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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,512	10/31/2001	Stanley T. Lim	004867.P004	3244

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Tarek N. Fahmi
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA   90025-1026

EXAMINER
JANVIER, JEAN D

ART UNIT	PAPER NUMBER
3622	.

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

<table>
<tr><td rowspan="3">Office Action Summary</td><td>Application No.
10/001,512</td><td>Applicant(s)
LIM ET AL.</td><td></td></tr>
<tr><td>Examiner</td><td>Art Unit</td><td></td></tr>
<tr><td>Jean Janvier</td><td>3622</td><td></td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-88* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *188* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Specification

The Applicant simply states in the specification, Under the "Cross Reference" section,

that the present Application is related to Non-Provisional Application No. 09/618,806 and

claims the benefit of priority thereof. Here, the Application should clearly state whether this

Application is a plain Continuation or a CIP (Continuation In Part) of 09/618,806.

Status of the claims

1-88 are currently pending in the Instant Application.

Claim Objections

Claims 1, 2, 23, 51, 60, 61, 62, 65 and 66 are objected to because of the

following informalities-

Concerning claim 1, "receiving advertisements based on the filter setting, at the

user's personal device" should apparently be --receiving advertisements, based on

the filter setting, at the user's personal device--.

Concerning claim 2, in the preamble, "… the search engine…" should apparently

be --… a search engine…--.

Concerning claim 23, "... the maximum number of message..." should apparently

be --... the maximum number of messages...--.

Still concerning claim 23, the limitations recited therein are confusing since the

user is primarily designated as the recipient of the messages, then "allowing the

user to provide the maximum number of messages within a designated time frame"

is ambiguous.

Concerning claim 51, "there are a plurality of formats..." should apparently be - -

there is a plurality of formats...- -.

Concerning claims 51, 60, 61, 62, 65 and 66, "...their..." should apparently be --

...his/her...".

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter, which the applicant regards as his invention.

Claims 17, 19, 20, 44, 52, 53 and 77-77 (including their dependent claims) are

rejected under 35 USC 112, second paragraph as being indefinite for including the

auxiliary verbs "can", "cannot" or "may".

Claim 31 (including any dependent claims thereof) is rejected under 35 USC 112, second paragraph as lacking antecedent basis. Indeed, the "user's search criteria" in "sending messages to the user comprising providing the user with a list of links in response to the **user's search criteria...**" lacks proper antecedent basis and the claim will be broadly interpreted.

Claims 61-64 and 82 are rejected under 35 U.S.C 112(2) as being unclear for omitting critical elements necessary to understand the nature of the claims. For instance, claim 62 recites that "the user utilizes his sense of smell to respond to the quiz comprising **presenting a smell to** the user and asking the user to respond to a question regarding the smell". It is rather unclear how a smell is being transmitted or presented over a wire to a user or how the smell test is being performed. The claims will be broadly interpreted.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 US.C.103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to

which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 44-86 and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber, US Patent, 5, 794, 210 in view of Walker, US Patent 6,093, 026.

(Here the preamble of claim 48 is taken into consideration)

As per claims 44-86 and 88, Goldhaber et al. disclose a method and/or system for brokering and selling the attention of the customer wherein, among other things, advertisers are bidding for the opportunity to have their ads read by a customer of subscriber of the system depending upon the highest credit or compensation offered for the customer's attention. By clicking on a Cybercoin button (or inherent banner, ad box or link) or selectable object, displayed on the customer's PC 104, representing an ad, a customer indicates his intention to read the said ad and once the system verifies, through a quiz process or a test, that the customer has indeed read or interacted with the ad or advertisement, which guarantees that the advertiser's message has received full attention or interaction, the customer is compensated in the form of credits or digital cash for paying attention to the ad (determining whether or not the user accesses the system to read or view an advertisement or uses his reasoning to answer questions or respond to the quiz and subsequently receives a compensation for reading or viewing the advertisement. The latter guarantees that an Internet operation, that is accessing a web site and reading an advertisement, has been performed and that the user has interacted with the displayed advertisement, thereby measuring the system effectiveness (Col. 16: 6-16; fig. 12; col. 7: 48-61; col. 11: 32-38; see also claims 1, 13 and 14 of the current reference; see abstract).

In short, Goldhaber teaches a system for providing an incentive to a qualified customer to read at least one advertisement from an advertiser. An icon or gold coin is displayed on the customer's computer screen when the customer logs into the system. And if the customer takes an action or clicks on the gold coin, then an advertisement associated with the displayed coin is presented to the customer and an account related to the customer is credited accordingly upon verifying that the customer has indeed viewed or interacted with the presented advertisement. To this end, prior to crediting the customer's account, a quiz or a questionnaire related to the displayed advertisement or a game based on the component of the advertisement is being generated and presented to the customer within a Graphical User Interface (GUI) or within a Web page of the associated web site before the consumer or the consumer's PC accesses a database to retrieve the digital cash or resource associated with the reading of the advertisement (reads on the step of creating a graphical image with information on the question) and if the customer correctly answers the quiz or the questionnaire (reads on the matching step) or registers a high score while playing the generated game, then it can be positively concluded that the customer has in fact read the displayed advertisement and the customer's account can be credited accordingly (See abstract; cot. 7: 48-61; Col. 16: 6-16; fig. 12; see also claims 1, 13 and 14).

As per claims 44, 48, 49 and 88, although Goldhaber teaches providing a quiz, related to a displayed advertisement, to the user to thereby determine if the user has indeed interacted or read the displayed advertisement, however, Goldhaber does not expressly disclose determining whether or not a "human" user or a computer program has provided the answer to the quiz.

However, Walker discloses a system having a controller such as an online service provider computer or an ISP computer for receiving a survey including survey questions from a client or advertiser desiring to have a survey conducted. The controller creates respondent or

users questions based on the survey questions. The controller also selects one or more

respondents from a list of possible respondents, such as a list of customer accounts. The

respondent questions are transmitted to the selected respondents or users. Responses

corresponding to the respondent questions are received. The controller applies an

inconsistency test to the responses to generate an inconsistency test result. The inconsistency

test determines if **the responses originate from computers or humans** not paying attention

to the questions. Based on the inconsistency test result, a fraud signal may be generated. The

fraud signal may result in several actions, such as the controller ignoring the responses received

from the corresponding respondent, reducing or eliminating payment to the respondent,

transmitting a message of reprimand to the respondent, and/or barring the respondent from

future participation in surveys. In summary, the system is operable to determine that it is the

user and not a computer software (or "bot") that has provided the answers to the questions

displayed within a Graphical User Interface (GUI) or web page of the associated web site

(reads on the steps of creating a graphical image and matching the response...) prior to

crediting the customer's account.

(See abstract; see claims 1, 4, 8-9 and 11-15 of the c current reference; col. 1: 33-40; col.

2: 11-21; col. 7: 36-45; col. 9: 30 to col. 11: 50; figs. 11-14).

Thus, an ordinary skilled artisan would have been motivated at the time of the

invention to incorporate the teachings of Walker into the system of Goldhaber so as to

determined whether a human operator or a user, but not a computer program or an automated

process, has indeed interacted with the displayed advertisement by asking him to provide a

response to a quiz before the user's account can be credited for reading or interacting with the

advertisement displayed on a web page, thereby enabling the advertiser, associated with the

displayed advertisement, to measure the effectiveness of the system, while compensating the

user only if it is determined that the user or human operator, but not a computer program, has

in fact read the displayed advertisement after the user has corrected answered one or more

questions related to a quiz corresponding to the displayed advertisement.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States
before the invention thereof by the applicant for patent; or on an international application by another who has
fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by
the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of

1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act

of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-

AIPA 35 U.S.C. 102(e)).

Claims 1-43, 48 and 87 are rejected under 35 U.S.C. 102(e) as being anticipated by

Goldhaber, US Patent, 5, 794, 210.

(Here the preamble of claim 48 is not given any patentable weight).

As per claims 1-43, 48 and 87, Goldhaber et al. disclose a method and/or system for

brokering and selling the attention of the customer wherein, among other things, advertisers

are bidding for the opportunity to have their ads read by a customer of subscriber of the

system depending upon the highest credit or compensation offered for the customer's

attention. By clicking on a Cybercoin button (or inherent banner, ad box or link) or selectable

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In short, Goldhaber teaches a system for providing an incentive to a qualified customer to

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this end, prior to crediting the customer's account, a quiz or a questionnaire related to the

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answers the quiz or the questionnaire (reads on the matching step) or registers a high score while

playing the generated game, then it can be positively concluded that the customer has in fact read

the displayed advertisement and the customer's account can be credited accordingly (See abstract;

cot. 7: 48-61; Col. 16: 6-16; fig. 12; see also claims 1, 13 and 14).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

US Patent 5,724,521A to Dedrick discloses a system wherein an advertiser is charged for

the amount of time a user spends reading advertising messages from the advertiser and wherein

the user is compensated accordingly.

USP 6,195,698B1 to Lillibridge discloses a method for selectively accepting

access requests from a client computer connected to a server computer by a network. The

server computer receives an access request from the client computer. In response, the

server computer generates a predetermined number of random characters. The random

characters are used to form a string in the server computer. The string is randomly

modified **either visually or audibly to form a riddle**. The original string becomes the

correct answer to the riddle. The server computer renders the riddle on an output device

of the client computer. In response, the client computer sends an answer to the server.

Hopefully, the answer is a user's guess for the correct answer. The server determines if

the guess is the correct answer, and if so, the access request is accepted. If the correct

answer is not received within a predetermined amount of time, the connection between

the client and server computer is terminated by the server on the assumption that an

automated agent is operating in the client on behalf of the user (See abstract)

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (571) 272- 6724.

Non-Official- 571-273-6719.

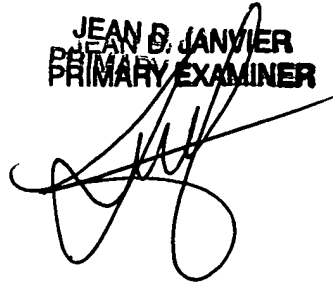Official Draft : 571-273-8300

01/07/06

JDJ

Jean D. Janvier

Patent Examiner

Art Unit 3622

JEAN D. JANVIER
PRIMARY EXAMINER